

The United States District Court for the
Western District of Wisconsin

Tommie L. CARTER, Plaintiff,

DOC NO
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2013 JUL 10 AM 10:17

VS.

PETER OPPENEER
CLERK US DIST COURT CASE NO.:
WD OF WI

13 6 0487

Captain SARA A. MASON, is sued
in her individual capacity

Defendant.

Civil Rights Act complaint under 42 U.S.C § 1983
With Jury demand

1. This is a Civil Rights action filed by Tommie L. CARTER, a state prisoner, for damages under 42 U.S.C. § 1983, alleging excessive use of force in violation of the eighth Amendment to the United States Constitution.

Jurisdiction

2. The Western District of Wisconsin has jurisdiction over the plaintiff's claim of violation of Federal constitutional right under 42 U.S.C. § 1331 and § 1333.

Plaintiff

3. The plaintiff, Tommie L. CARTER, was incarcerated at the Wisconsin Secure Program Facility (WSPF), during the event described in this complaint.

Defendant

4. The defendant, SARA A. MASON, is a correctional captain at the Wisconsin Secure Program Facility (WSPF). She is in her individual capacity.

Facts presented

5. On August 9, 2011, at about 4:00 p.m., defendant MASON, Sgt. BRADBENT, Sgt. DRESEN and Officer H. BROWN transported plaintiff CARTER from the strip cage to cell 301 Alpha to be placed back in the observation cell on suicide watch, for attempting to kill himself and engaging in self-harm, by cutting his left arm.

10. As the cell door was closing defendant mason sprayed chemical substances on the plaintiff which temporary incapacitated him.
11. The plaintiff was not able to breath or see out his right or left eyes, as plaintiff ~~now~~ is an asthmatic.
12. The chemical substances that the defendant mason used on the plaintiff caused permanent damage to his skin and body.
13. During this incident the plaintiff did not resist or fight back in any way in any fashion.
14. Defendant mason did not write a conduct report after she sprayed ~~plaintiff~~ chemical substances on the plaintiff.

Exhaustion of Administrative Remedies

11. The plaintiff filed an offender complaint on the excessive use of force incident which was rejected and he appealed the rejection. Therefore, plaintiff exhausted his administrative remedies with respect to this claim and the defendant.

Claims for Relief

15. The actions of defendant mason in using chemical substances, incapacitating the plaintiff without need or provocation, was done maliciously and sadistically and constituted cruel and unusual punishment in violation of the eighth Amendment of the United States Constitution.

Relief Requested

Wherefore, plaintiff respectfully prays that this court enter judgment granting plaintiff:

B. A declaration that the use of chemical substances used to incapacitate the plaintiff by defendant mason violated the plaintiff's rights under the eighth amendment to the united states constitution.

13. compensatory damages in the amount of \$ 50,000 against the defendant mason.

15. punitive damages in the amount of \$ 50,000 against the defendant mason.

16. A JURY trial on all issue triable by JURY.

17. Plaintiff's costs in this law suit.

18. Any additional relief this court deem just, proper and equitable.

VERIFICATION

I have read the foregoing complaint and hereby verify that the matters alleged therein are true and I certify under penalty of perjury that the foregoing is true and correct.

Sincerely,

TOMMIE L. CARTER #389897

ASCI

P. O. BOX 1900R3

GREENBAY, WI 54307

Dated June 8, 2013

WRITTEN BY: Anthony D. Anderson